

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9186 of 1995

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NANDUBHAI BHAIJIBHAI TAMBOLI

Versus

COMPETENT AUTHORITY AND ADDL. COLLECTOR ULC  
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Appearance:

MR MC BHATT for Petitioners

MR MUKESH PATEL, AGP, for Respondents  
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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 19/07/1999

ORAL JUDGEMENT

1. The petitioner herein challenges the order passed against him in an appeal under section 33 of the Urban Land (Ceiling & Regulation) Act, 1976, confirming the order passed by the Competent Authority in adjudication proceedings in respect of Form No.1 filed under section 6 of the said Act.

2. It is common ground on both sides that by virtue of section 4 of the Urban Land (Ceiling & Regulation) Repeal Act, 1999, all proceedings pending on the date when the Act came into force stand abated. It is also common ground that the State of Gujarat adopted the Repeal Act of 1999 on 30th March 1999.

3. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No.ULC/1099-602/V1 dated 15th April 1999.

4. Obviously this petition being pending on the said date would abate.

5. It only requires to be noted on the factual aspects of the possession that so far as the record of the present petition is concerned, the matter rested with the impugned order in appeal under section 33, which arises from the adjudication order under section 6 passed by the competent authority. However, learned counsel for the respondent states that thereafter subsequent proceedings have been taken up to the stage where a

notification under section 10, subsection (1) of the Act of 1976 had been issued. He further clarifies that no notification under section 10(3) of the said Act has been issued and consequently no further proceedings could have been taken.

6. It also requires to be noted that by virtue of the order dated 27th March 1996 passed in the present petition, this Court had directed "Status-quo with respect to the subject matter of this petition is ordered to be maintained by both the sides". In view of the aforesaid order and in view of the statement made by the learned counsel for the respondent, it is obvious that actual and physical possession of the lands in question rests with the petitioner.

7. Subject to the aforesaid observations, this petition is treated as abated and is disposed of accordingly. Rule is discharged with no order as to costs.

19.7.1999 (Y.B. BHATT J.)